

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

ANDREW CARROLL,

Plaintiff,

-against-

CIVIL ACTION NO.
CV 15 – 01550 – (ADS)
(ARL)

**THOMAS C. KRUMPTER, Acting Police
Commissioner, Nassau County, New York**

**STEVEN E. SKRYNECKI, Chief of
Department, Nassau County Police
Department,**

**DANIEL P. FLANAGAN, Commanding
Officer, First Precinct, Nassau County Police
Department,**

**Officer BUDINILIC, Badge No. 3051, First
Precinct, Nassau County Police Department**

**JOHN DOE, Sargent First Precinct, Nassau
Police Department,**

**NASSAU COUNTY POLICE
DEPARTMENT,**

and

COUNTY OF NASSAU

Defendants

**NOTICE OF MOTION FOR
PRELIMINARY INJUNCTION**

Jury Trial Demanded

NOTICE OF MOTION FOR PRELIMINARY INJUNCTION

Plaintiff Andrew Carroll, pursuant to Rule 65(a) F.R.Civ.P. hereby moves the Court for a preliminary injunction enjoining all defendants and their agents, officers, contractors and /or employees:

1. From destroying firearms seized by defendants from the plaintiff;
2. From retaining possession of said firearms;
3. From searching for firearms in the home of plaintiff and other similarly situated persons, without cause, where there is no Order of Protection, no domestic violence, and no arrest or charges filed;
4. From seizing firearms from the plaintiff and other similarly situated persons without cause, where there is no Order of Protection, no domestic violence, and no arrest or charges filed;
5. From continuing its policy of confiscating firearms in the even of any "domestic incident" with a "police presence" even though there is no crime, no violence and no Order of Protection.

Plaintiff further moves this Court to issue an Order directing defendants to:

6. Immediately return to plaintiff all firearms seized from him and retained by defendants;
7. Within 60 days institute a procedure, in the event of any confiscation of firearms, setting forth a deadline for the return of the firearms and pistol license to their owner, within fourteen days and if not returned by said deadline, a procedure for a hearing before a judicial officer, not more than fourteen days after said confiscation, as to the lawful reasons for retaining said firearms, with defendant having the burden of proof thereof.

Plaintiff make this motion prevent irreparable harm to himself and to prevent ongoing, continuing and repeated violations of plaintiff's and other similarly situated persons civil rights under the 2nd, 4th, 5th and 14th Amendments to the United States Constitution occasioned by the defendant county's unconstitutional policy of confiscation and refusal to provide pre or post deprivation judicial proceedings.

Dated: Brooklyn, New York
May 15, 2015

/S/
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